ex dono Authoris.

The KINGDOM OF ENGLAND.

THE BEST

Commonwealth.

A

DISCOURSE

CONCERNING

obedience to Kingly Government:

Demonstrating from

Common-wealth-Principles

THE

lawfulness and Excellency thereof,

as it now stands Restored.

By *James Arderne* Gent.

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To the Honourable
Sir *GEORGE BOOTH*,
Baronett.

Sir,

THis brief Vindication of the preſent happie Government under his Royal Majeſty, could not bethink it ſelf of any fitter Patron than him to whom it now makes its addreſs, in that your Loialtie did adventure to aſſert ſo good a Cauſe, by an attempt more heroick in its deſignment, than unſucceſſeful in its effect: Which the

Kings most excellent Majestie was graciouslie pleased to take publick notice of. Neither doth this Discourse betake it self to your Patronage upon that consideration alone, but it is directed so by its Author, that it may serve as a small specimen of a grateful Mind, and as a mean acknowledgment of the Obligations laid upon him by your Many Noble Favours, whereby he is firmlie bound to be,

Your Honours most humble and faithful Servant,

James Arderne.

The Reader is desired to correct some small Literal and Accentuall Errours which have escaped the Press.

The

The KINGDOM of ENGLAND THE BEST Commonwealth.

A Diſcourſe concerning Obedience to Kingly Government, &c.

IN all Controverſies which are debated with a deſign to find out Truth, or its moſt lively reſemblance, it is expedient that both the Controverters take up ſome general *Data*, and certain principles to be acknowledged on either ſide, as a common Foundation of their oppoſite Diſcourſes. And theſe notions which are ſo to be premiſed to a ſubſequent Diſpute, may be either thoſe which carry along with them ſo clear an evidence, that they command the aſſent of the intellect, or elſe ſuch which it may be do not obtain a likelihood of truth in our judgements, yet to our adverſaries may be otherwiſe repreſented, as not only of a contingent, but neceſſary verity: theſe Propoſitions we may take up in gratification of an Antagoniſt, that ſo be being foiled at his own weapon, may be compelled to confeſſe himſelf vanquiſhed. In the ſame manner will I deal at preſent with them that ſtyle themſelves more popularly than truly *Common-wealths-men*; and by way of conceſſion I ſhall

ſay with them, *That no civil Conſtitution is any further obligatory to obedience, then as it hath ſome relation to a Commonwealth, either as tending to erect ſuch a ſcheme of Government, or elſe as proceeding from the Authority thereof ſo erected.* Whether this be ſo indeed, I think not my ſelf concerned here to enquire, ſith I granted it only as a bare *Hypotheſis* and meer ſuppoſition, it being yielded upon no other account then as amongſt Aſtronomers, a *Copernican* will not boggle to grant a *Ptolomaean* his own improbable ſuppoſitions, as being perſwaded that they will not ſuffice to ſolve the difficulties of that doctrine.

I ſhall therefore make uſe of their own Articles, univerſally received amongſt them, and make an Eſſay how far they may be fairly improved on the contrary part towards the Aſſertion, *viz. Kingly Government as now reſtored*, &c. To begin then,

1. A certain number of Perſons choſe by the free Suffrages of the majority of the People to the Supream Power, do properly and perfectly contain the whole power which belonged to their Electors: This is as certainly true, as that whatſoever was lately anothers, become mine by the Gift of that Proprietor: For there is no clearer and more unqueſtionable way in the world, whereby any man can transfer his *Dominium* and Right of ownerſhip of any thing which is his, ſo that it may become anothers, than this, whereby the people transfer the *Dominium* which they had in their own hands, to a definite number of them, whom they judged to be the fitteſt for ſo great a Truſt: and this is called *Dominium ex conſenſu*, which indeed ſeems to be the moſt genuine ſort of Dominion amongſt thoſe which are commonly mentioned by *Civilians*.

This firſt Principle being granted, it will naturally follow, 1. That whatſoever is commanded by theſe Perſons ſo elected, it is of the ſame force to require obedience, as if it had been commanded by the greater part of the People by their own perſonal Votes: The reaſon is evident, becauſe that what authority lay in them, they have paſſed over to theſe others; ſo that all that is agreed upon by the Majority of the Elected, is as it were done by the Suffrages of the Electors, in that the Supream Power now reſides in thoſe who are hereunto choſen.

2. The ſecond Conſectary from the Principle, will be this, that what-

whatsoever was lawful for the People to act in order to an Innovation in Government, while they had the right of Government residing in the major part of the whole, is alike lawful for those to whom this major part gave away their right of Government: If therefore it can be proved, that the People under such a Popular State, may alienate their Title to Government, it will be undoubtedly certain, that they to whom they have made over their Title, have the same power and right: That the Majority of the People may alienate their Lawful Possession of Power may appear, as to the *jus* of it; if we say with the Common-wealths-men, that *the People are Domini in solidum*, sole Lords, and not joynt-Proprietors; they may alienate it, and quit their claim thereunto at their pleasure, as any man may part with his Field or House to whom he pleaseth, because it is his own proper Possession: And the Learned *Grotius* tels us, * *Imperium alienari potest ab eo, in cujus dominio vere est, a Rege si imperium in Patrimonio habeat, alioquin a Populo.* Government (saith he) may be alienated by him who hath the true ownership thereof, by a King, if he received it as a Patrimony, or else by the People: So that according to him, we see, there is nothing else requisite to enpower to alienation, but such a *Dominium* which our gainsayers do attribute to the People: The same Author does further proceed to shew us when the People may be said to alienate their *Imperium*, * *Populum autem consensisse intelligimus, sive totus coit, quod olim apud Germanos & Gallos fieri solebat; sive per Legatos partium integrantium mandatu sufficiente instructos; nam facimus, & quod per alium facimus, id.* The People are to be understood as to have agreed thereunto, if either they have a General Meeting of all the People, as the custom of the *Germans* and *Gaules* was, or else that it be done by their Delegates furnished with a sufficient power from them; for we are said to do that our selves, which we do by another: So then it is hence manifest, that where the people have divested themselves of Soveraign Power altogether, or as to a particular time and business have made others their Pleni-Potentiaries, there what is done by those so credentiated, signifies as much as if it were their own proper action: And where *Grotius* speaks of the *Legati partium integrantium*, whose actions he saith, are interpretatively the Peoples, he hath a peculiar reference to the Par-

* De Jure Belli & Pacis, l. 2. cap. 6.

* Ibid.

liament of *England*, as may be ſeen from his quoting *Smiths* piece *de Republica Anglic.* who ſpeaks to the ſame purpoſe; *Every* lib. 1. cap. 2. *Engliſh man is intended to be there preſent, either in Perſon, or by procuration and Attorney, and the conſent of the Parliament is taken to be every mans conſent*: The ſumme of what hath been affirmed and proved, amounts to ſo much, that if the People be granted to have had a lawful poſſeſſion of Power, they might juſtly alienate it, if they were willing; and the will of the People is to be underſtood to be the ſame with their pleni-potentiary Repreſentatives, who perſonate the Popular State, and every individual thereof; and our preſent Parliament bearing ſuch a relation to the People of *England*, may lawfully and juſtly alienate that power which in your eſteem was the Peoples right, and transfer it upon a Single Perſon; which yet according to ſoberer judgments, was no more than a juſt and equitable reſtitution, in giving *Cæſar* the things which are *Cæſars*. But I ſhall wave Arguments deduced from this Topick, and rather deal with the Patrons of a Commonwealth by principles acknowledged in their own Polity: Seeing then that the Supream Magiſtracy of theſe Kingdoms, as it is derived according to your own pedigree of Power, is now at laſt devolved upon our Royal Monarch, it is to be accounted an indiſpenſable duty of every Member of the Body politick, to be ſubject to him, who under God alone is the Head thereof; and if we are obliged to be ſubject to the Higher Powers, how much more to the higher perfections, Divine and Princely, wherewith we believe (*nec vana fides*) the Heavenly Wiſdom hath compleated his Sacred Perſon. Nor are we to think that the forementioned Precept concerning ſubjection to higher Powers, did only concern thoſe times when it was firſt given to the Profeſſors of Chriſtian Religion, as an * infamous Author would willingly ſuggeſt, in that Book which hath been the ſeed-plot of that execrable Regicide which hath been acted amongſt us: He tells us there, that the reaſon why ſuch a ſubjection was required from them, was, becauſe that they were all of them of a mean and inferiour rank of men but where Religion is generally planted in a Kingdom, there may they call in queſtion Kings, if peccant: This, and much more to the ſame purpoſe, is impudently aſſerted by that Grand Maſter of Rebellion and Treaſon, *Buchanan*:

* Buchan. *de jure regn. apud Scot.*

Buchanan: Who that he may not be imperfect in his villanies, he not only juſtifies, but highly applauds the inhumane murder committed by trayterous Subjects upon the Perſon of *James* the 3, King of *Scotland*. What he or others have defended or acted under pretence of Piety, it mat ereth not; yet certainly true Religion never ſeparated what God hath put together, *viz.* thoſe two Precepts of fear to himſelf, and honour to his Vicegerents in the Government of Kingdoms. If we look into the practiſe of the Primitive Chriſtians, we ſhall find them giving quiet and cheerful obedience to the *Roman* Emperours, even whilſt that they ſuffered the moſt cruel Perſecutions: So *Juſtin Martyr* ſpeaks in the name of all the Chriſtians, in theſe words, βασιλεῖς καὶ ἄρχοντας ἀνθρώπων ὁμολογοῦντες καὶ εὐχόμενοι μετὰ τῆς βασιλικῆς δυνάμεως καὶ σώφρονα τὸν λογισμὸν εὑρεθῆναι ὑμᾶς ἔχοντες: We acknowledge ye (ſaith he) to be Kings and Rulers over men, and we pray, that as ye have a Kingly power, ſo ye may have ſober Conſultations: Hereby we may perceive, that the Chriſtian Philoſopher did not think that the viciouſneſs of *Roman* Emperors did diſcharge their Subjects from their Allegiance; in that he acknowledgeth thoſe to be Kings and Lawful Magiſtrates, who (as he implicitly intimates, and Hiſtory more explicitely) were the greateſt enemies to Chriſtian Religion: So that we may confidently pronounce, that Vertue is not eſſential to the conſtituting any one a Lawful Governour: Nor is worldly Dominion founded in Grace; though both are requiſite, not to the *ſimpliciter eſſe*, but to the *bene eſſe* of Magiſtracy: For if that Principle were once granted, there would be no ſecurity for peace under any form of Government; ſeeing it would grant Liberty to any Enthuſiaſtick Fellow, that can but audaciouſly arrogate to himſelf, Revelations of the Spirit, and uncharitably term all others beſides his followers, carnal, natural men: It will I ſay, permit ſuch to aſſume unto themſelves an uſurped power over the Lives and Eſtates of their Fellow-Subjects, nay, and of their King himſelf.

* Apolog. 2do Chriſtianis.

The ſame principle will likewiſe juſtifie the proud injuſtice of the Pope, who (if we will but ſay he is infallible,) may depoſe offending Princes, and diſpoſe of their Kingdoms at his pleaſure; as he dealt with our Queen *Elizabeth*, in beſtowing *England* upon

on the *Spaniard*. It is therefore more commendable, where the ſame perſon is a lawfull Magiſtrate, and a bad man, to wiſh that rather the vice of the man than his Authority may be removed; for tyranny can no more deſtroy then it can conſtitute a right of Supremacy. And upon this cauſe *Ariſtotle* ſpeaking concerning an arbitrarious and tyrannical power amongſt the *Barbarians*, paſſeth this cenſure upon it, τυραννικαὶ μὲν οὖν διὰ τὸν τοιοῦτον εἶναι, ἀσφαλεῖς δὲ διὰ τὸ πάτριαι καὶ κατὰ νόμον εἶναί, *i. e.* though they be upon this account tyrannical, yet they ſtand ſafe, becauſe they be according to the cuſtom and law of the Country. If then the cuſtom and law of Countries can render a tyrannical Government ſteady and ſecure, how much more then is that Power to be highly had in a reverential eſteem, which beſides the forenamed advantages, hath an intrinſick equity and complication of all conſiderable intereſts in theſe three Kingdoms; where Indemnity and Liberty are ſo freely and comprehenſively promiſed upon the word of a King: Concerning which the Poet,

De Repub. l. 3. cap. 14.

> ——— *Modo jus & reverentia verbo*
> *Regis ineſſe ſolet, quovis juramine majus.* i. e.
>
> Where Princes words are juſt and reverent both,
> Their naked word's more than anothers Oath.

But if any one be deſirous to play the Caſuiſt, ſo as to determine whether any obedience, or what kind thereof, may be given to a lawfull Magiſtrate, commanding any thing abſolutely, and altogether unlawfull? To the reſolution of this Caſe, it will be expedient for ſuch a *Quærent* to premiſe to himſelf, that whatſoever is not certainly and evidently contradictory to the Divine law, if it be appointed by a humane law, becomes obligatory to all that live under the protection of that Law. Nor is it required that it ſhould be laid down expreſly, or by neceſſary conſequence in the Scripture; it ſufficeth that it do not become oppoſite to ſome truth there revealed. For if we will ſay, (as doubtleſſe all Chriſtians except Enthuſiaſts do affirm) that the Scripture laies down clearly and perſpicuouſly every thing neceſſary to be believed or done, and not to be done, in order to ſalvation,

ation, it will follow that whatsoever is not in such a manner here delivered, is of its own nature indifferent, seeing that it is not contained in any Divine precept, either Affirmative or Negative. If therefore a Magistrate shall think fit to impose it upon the people under his Dominion, it then loseth its former nature of indifferency, and acquires an ascititious vertue of binding to obedience, derived from the authority of the Lawgiver. If this undeniable truth were but soberly considered in its whole extent and latitude, it would præscinde the occasion of this question, as it may have a particular reference to us, either as members of the Church or Commonwealth. As to obedience to Commands absolutely unlawfull, and prevaricating from the measure of justice and honesty, it fals not within our businesse to decide that doubt, sith that it is not likely to become our case, and we need not to be sollicitous what is our duty under such circumstances, no more then *Solon* thought it necessary to make a Law against Patricides, *Because* (saith he) *there are none in* Athens *so wicked as to murther their Fathers.* And we have more assured grounds of confidence in the Piety and Prudence of our gracious Prince, then that we should be guilty of Treason against his sublime vertues by such a jealousie. But in general it may be answered, That if humane Laws or injunctions be tried by the proper touchstone of Right and Equity, and thereby be found adulterate, we may deny an active obedience to them, in that the eternal Lawgiver having a dominion over us by creation, and his Laws binding by reason of the highest equity in themselves, do authoritatively forbid us to attend to any presuming to countermand us from their observance. And to this doth *Hierom* assent, *In Ephes. 6. 1.* his words are these, *Quum dominus carnis a domino spiritus diversum imperat non est obediendum: i. e.* If your Masters according to the flesh shall command any thing contrary to God, you may not obey them. And the same elswhere, *In illis tantum debent esse dominis & parentibus subjecti, quæ contra Dei mandatum non sunt:* In those things only (saith he) do we owe our subjection to Masters and Parents, where we may not thereby disown our subjection to God. It is plain then that we not only may, but likewise must deny obedience, as to the active part thereof, to any Magistrate commanding that which is undoubtedly unlawfull:

I say,,

I say undoubtedly unlawfull, because if there be a question concerning it, whether lawfull or no, as to our apprehension of the nature of the action; its probable that in such a case we ought rather to yield than deny our obedience to Supream Magistracy: The reason hereof is well assigned by *Grotius*, upon another occasion, *Quia qui dubitet contemplativè debeat judicio activo eligere partem tutiorem*; He that is uncertain what he ought to do, must do that which seems to be better: It being therefore acknowledged that obedience is better then disobedience, I ought rather in an ambiguity to obey then disobey my Prince; for he, as he is Gods Vicegerent over me, hath power in dubious points to be Gods Interpreter to me; as much as his Judges by him constituted, may interpret the meaning of any dark point of the Law to the people, who are to receive the administration of the Law from them.

What I have said concerning a Prince, how farre he may be Gods Interpreter, I hope none will uncandidly extend to the latitude of Mr. *Hobs*'s assertion in this point, whose opinion I abhorre, as a subtle design to introduce irreligion and Atheism into the world. But where there remains a scruple concerning any thing, whether in equity it is to be done or not done, I think it may safely be said of a Prince, what *Tacitus* elsewhere speaks; *Principi summum rerum judicium Dii dederunt, Subditis obsequi gloria relicta est.* A Prince (saith he) hath bestowed upon him by the Gods, the chief power of judicature, and the Peoples glory is Obedience. I shall further add the testimony of St. *Austin*, as having greater clearness and authority, to convince the judgment, *Ergo vir justus si forte sub Rege etiam sacrilego militet, recte potest illo jubente bellare, si civilis pacis ordinem servans, quod sibi jubetur, vel non esse contra Dei Praeceptum certus est, vel utrum sit certus non est, ita ut fortasse reum faciat Regem iniquitas imperandi, innocentem autem militem ostendat ordo serviendi*: An honest man (saith he) if he be a Souldier under a sacrilegious King, may lawfully go to war when commanded, if he keeping the Peace of the City, is either certain that what is commanded him, is not contradictory to a divine Precept, or is not certain whether it be or no; so that peradventure the injustice of the command may make the King guilty, but orderly obedience will render the Souldier innocent.

Hobs *de cive* cap. 16.

Tacitus *Annal.*

Aug. *l.* 22. *c.* 74. *contra Faust.*

cent. So farre he proceeds in determination of this Controverſie, then whoſe words, as they referre to the preſent purpoſe, nothing could have been more full and ſatisfactory.

But it may be further demanded, how a ſubject is to behave himſelf to his Prince, where his active obedience is by no means to be afforded to a command abſolutely and undoubtedly contradictory to the revealed divine will. In ſuch a caſe as that, we muſt, being warranted by an Apoſtolical practiſe, hearken unto God rather then men: But we muſt withall ſo hearken unto God, that as far as he permits us to obey them, we muſt willingly yield them obſervance.

Seeing then that their Laws oblige us to one of theſe two things, either to do this, or ſuffer that, if the firſt is not lawfull, the ſecond is lawfull for us to accept of, though it is not for him to impoſe; that is, where we ought not to yield an active obedience, there muſt we yield a paſſive obedience: and herein, though in a different ſort, ſubjects do render their ſubmiſſion at the ſame time, both to God and the King: Hereby they give unto God the things which are God's, and unto *Caſar*, the things which are *Caſar's*; unto God they give their publick acknowledgment of ſacred truth, and unto *Ceſar* the power over their lives, which is his as a Monarch. This may ſeem an uncouth ſentence to many, who cannot perſwade themſelves that the ſame Supream Power, which they think reſides only in a multitude, may reſt upon one ſingle perſon; which that it may, and how it may, hath been already evinced from their own Principles: For though it may carry along with it ſome inconveniencies, as the greateſt conveniency likewiſe doth; yet if we but ſeriouſly conſider the many miſchiefs which would enſue from a contrary State, *viz.* inſtability of Politeie, ſedition, and plauſible pretences of Rebellion againſt the beſt Governments, it will have a farre better viſage when it is ſo comparatively to others beheld. As in colours, white is more illuſtrious by its opace contrarie. And not only reaſon, but the general examples of perſecuted Chriſtians doth recommend this paſſive obedience to us, who though they were very numerous, eſpecially about the time of the 10th Perſecution under *Diocleſian*; yet do we never reade that they attempted to make hoſtile reſiſtance upon any ſuch account. Concerning

Zon. *Annal. tom. 2.*

the greatneſſe of their number and perſecution, *Zonaras* relates, how that *Dioclesian* and *Maximian* raiſed a perſecution upon the Chriſtians, τῶν πρὶν γεγονότων ἁπάντων σφοδρότερόν τε καὶ ἀκριβέστερον, more vehement and fierce then any of the former; and furthermore the ſame Author tels us, that of thoſe that did manfully ſuffer for Chriſt, there were ſo many that ἀριθμὸν ἀξιόμαχον ἀδύνατον ὑπάρξαι φάσκον, that they can ſcarce eaſily be counted, and yet there is no ſpeech concerning their making reſiſtance, but ſuffered themſelves to be perſecuted without oppoſition, though it were for defending the beſt cauſe in the world, and yet many of them were men of intereſt, ἀξίωμα καὶ φρατρίας καθειλεγμένοι, *i. e.* endowed with dignity, and military employment.

The recapitulation of what hath been diſcourſed concerning obedience, contains thus much, that we are to obey our Prince in all things plainly or probably lawfull, and where he commands any thing which upon a rational enquiry appears to us to be wholly illegal, we are in that caſe to ſuffer what puniſhment ſhall be by his authority inflicted upon us, without deſire of reſiſtance; in as much as he hath the Power and Empire over us transferred upon him according to the Laws, which ſignifies nothing elſe, then as one doth well expreſſe it, *De jure ſuo reſiſtendi deceſſiſſe*, that a man hath quitted his former right, whereby he might have reſiſted. And to the ſame purpoſe ſpeaks *Juſtinian* in his Imperial Inſtitutes, *Sed & quod Principi placuit, legis habet vigorem; quum lege regiâ quæ de ejus imperio lata eſt; Populus ei & in eum omne imperium ſuum & poteſtatem concedat*; Whatſoever then (ſaith the Author) likes the Prince, doth receive the vigour of a Law, ſince that by the Kingly Law which was made concerning his Empire over them, the people did beſtow on him wholly, all the power and Empire which before was their own: Yet it is to be acknowledged that that power of Government which our Kings do claim, is not ſo large and boundleſſe as this mentioned here by the Emperour, *viz. That whatſoever likes the Prince, doth receive the vigour of a Law*, but they are contented that nothing ſhould become a Law without their liking; ſo that hereby the grandeur of the Prince is ſufficiently ſuſtained, either againſt violence or contempt, and the people are better fortified againſt the degeneracy of Regal Government, as ſhall be more fully demonſtrated in the ſubſe-

Hobs *de cive cap. 5.*

quent

quent part of this Diſcourſe. Though this be true, we are notwithſtanding bound in the ſame meaſure to yield a plenary obedience to our Sovereign in whatever he commands, as the *Romans* were bound to their Emperors, though as *Dion* tels us, ἀλλ' ὅτι τοῖς νόμοις, they were freed from the Laws, and though that our Monarchs do take an Oath to maintain the Laws of the Land; for this makes no further difference then this, that the one by reaſon of his Oath ſtands bound in the preſence of God, and in his own Conſcience, to govern according to a written Law made by his Predeceſſors, at the Rogation of the Senate and popular Aſſembly, which we call the two Houſes of Parliament; and the other being free from any obligation which might bind his Conſcience, may more freely make uſe of his private reaſon and judgment in commanding whatſoever ſhall ſeem fit to him, and conſtitute it a Law by his Epiſtle, Decree or Edict. In brief, One is ſubject to the directive part of a written Law, the other not; but both of them are exempted from the coactive part of the Law, as *Aquinas* doth well diſtinguiſh. So then from hence it is inferred, that the Prince is bound to the Law, but not by the Law, but only by God and his own Conſcience; and the power of the people in reducing an enormous King to an obſervance of National Laws, is not Phyſical but Moral, that is, it doth not of right conſiſt in coaction and conſtraint by puniſhments, but in a mannerly perſwaſion, and humble remembrancings of his former Oathes: and if theſe means prove imprevalent, we may be ſorry, but not angry. And though this may ſeem a harſh ſpeech to many who have not ſufficiently weighed the reaſons and grounds thereof; and though withall thoſe who have improperly ſtyled their factious Junto, *The Keepers of the Liberties of England*, will eagerly catch at this, thereby to deceive the people a ſecond time, by telling them how much it detracts from the Liberty of the Subject. Yet we ſhall finde good cauſe to believe it, if we do but remember that the chief Power and Right of Government is transferred (as hath been aforeſaid) from the people upon the Prince. Now the chief power conſiſts in not being ſubject, to be judicially cenſured and judged by others: As then the Majority of the people before their reſignation of Imperial power to a ſingle Perſon, were not liable to have their proceedings of any

Lib. 53.

Quæſt. 96. *art.* 5. *part.* 1.

nature, if done by their joynt consent, to be judicially censured by all the rest of that body or society of men, though they did manifestly offend against Laws which had equity, authority and promulgation; so likewise it must necessarily follow, that after this Majority of the People have surrendred this chief and Imperial power unto a single Person, it is as unjust for the whole People to call this single Person in question, as it was before for the smaller number in a perfect rule of the people to judge the greater. So that as to the coactive power of the Law I doubt not but that I may truly say with *Justinian*, *Deus leges ipsas Principi subjecit, eumq; legem animatam misit hominibus:* God hath subjected the Law to the Prince, and hath sent him to be a living Law to men, yet as to its directive power, which the same God doth require that a *legal Monarch* should attend to. It may fitly be said, as by another, *Decet tantæ Majestati eas servare leges quibus solutus esse videtur*; It doth very well become the Majesty of a King to observe those Laws from which he seems to be free: And upon this account *Justinian* makes mention of an heroick expression often used by *Severus* and *Antoninus*, *Licèt legibus soluti simus, attamen legibus vivimus*; We live according to the Laws, though we are not bound by them. So then that the inference of an unquestionable Power in a Monarch from the resignation of this power to him by the People, in whom we will suppose with them it did lately lie, seems valid and unexceptionable: Unless they will flie to that sorry refuge of a nonsensical distinction, and tell us that the people did give away their former power of Supremacy of their greater part over the lesser, not *privativè* but *cumulativè*, that is (say they) the People did not by this transference of power to the Prince, devest and deprive themselves of their former Authority, but did only impart the same to another, not thereby losing their pristine right. This empty nicety bewrays so much weaknesse, that it scarce wants or deserves a refutation, in that it only obtains force, when applied to things whose natures do admit of communication to more then one, which can no more be affirmed of Supremacy, then it can at the said time, and in the same respect be truly said that you sit above me, and I sit above you. Supremacy signifying the order of power and dignity, whereby one is higher then all the rest, collectively taken; where-

Institut. lib. 2.

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as according to their Logick who would have Supremacy to be both in Prince and in People *cumulativè*, we ſhould ſay that one is higher in Power then all the reſt collectively taken, and that all the reſt collectively taken, is higher then that ſame one; How ridiculous this would be, who cannot diſcern? For a Popular State to beſtow Government upon one *cumulativè*, is no more then was uſual at *Rome* to beſtow the *jus civitatis*, to make a Freeman of the City, and thereby capable of the like power with other *Plebeians* in their *comitia tributa* and *centuriata*, but to grant Supremacy to a ſingle Perſon, is to give away the Power of Government to one, ſo as to deveſt themſelves thereof in the ſame moment wherein they do inſtall another therewith. And ſo the *Romans* by a *Senatus-conſultum* gave away from themſelves the Supream Power to *Auguſtus* (as *Dion* tells us) in the fore-mentioned book; and ſo the *Campanians* gave themſelves up *inditionem Romanam*, into the Juriſdiction of *Rome*, and then *Livi* ſaies, that *facti ſunt aliena poteſtatis*, they came under another's Power: ſo that a conſtituting of a Supream Head in the Commonwealth, doth inferre a privation of that Power in all the members thereof; and ſo *Grotius* cites out of *Sozom.* Eccleſiaſtick Hiſtory *Valentinian* the Emperor his Speech to the people, *Ut me ad Imperandum vobis eligeritis in veſtra ſitum erat poteſtate, at poſtquam me elegiſtis quod petitis, in meo eſt arbitrio, non veſtro, vobis tanquam ſubditis competit parere, mihi quæ facienda ſunt cogitare* —— It was in your choice whether or no you would have choſen me Emperor, but ſince ye have choſen me, what ye deſire is in my power to grant, not in your own: You as ſubjects ought to obey, and it belongs to me to conſider what is fit to be done. So then, if we ſuppoſe upon the Commonwealths-men ſcanty principle, that the Kings birth-right could not entitle him to the Crown, yet his claim of Succeſſion being accompanied by Election of the people of *England* in Parliament, the People can no more juſtly pretend to ſhare with him in his Royal Prerogative, then the *Romans* could with their elected *Valentinian*, being that is inconſiſtent with Supremacy, that the people ſhould be equal or above him on whom they have conferred that higheſt dignity. *Grotius* doth very appoſitely define it, *Suprema poteſtas dicitur cujus actus alterius juri non ſubſunt:* Supream power (ſaith he) is that whoſe

De jure Belli & Pacis, lib. 1. cap. 3.

actions are not subject to anothers Authority: And to this purpose brings the words of a good Bishop in *France* in former times to the King, *Siquis a nobis, O Rex, Justitiæ tramites transcendere voluerit, a te corripi potest: Si verò tu exceſseris, quis te corripiet? loquimur enim tibi, ſed ſi volueris audis, ſi autem nolueris, quis te damnabit, niſi is qui ſe pronuntiavit eſſe juſtitiam:* If any of us, O King, ſhall deal unjuſtly, he may be chaſtized by thee, but if thou tranſgreſſe, who ſhall chaſtize thee? We may ſpeak to thee if thou beeſt willing thou heareſt, but if thou wilt not, who ſhall condemn thee ſave he who hath called himſelf Juſtice? If ſome others ſeeing the folly of this laſt examined ſubterfuge for a Commonwealth, againſt the Supremacy of a King, ſhall feign a mutual interchangeable Supremacy, one while appertaining to the King, and anon to the People; to the King (as it may be they will ſay) over the people while he reigns well, and they live evilly, and ſo on the other ſide in like manner: which if once admitted (how ſpeciouſly ſoever it may look) would be the author of the greateſt confuſion and perturbation imaginable, in that the Parties muſt be their own Judges, and ſo for the deciſion of the juſtneſſe of the cauſe on either ſide, no other Law then club-Law can be expected, in that both Parties will paſſe a very favourable judgement upon their own actions: Neither can this Supremacy of the Prince over his whole people be accounted to be diminiſhed, by being ſworn to defend and maintain the Laws, as hath been already ſhewed. For ſo *Xenophon* acquaints us, how that the *Perſian* Kings took an Oath when they entred upon the Kingly Government, that they would not change the Laws as they ſhould find them made, and notwithſtanding *Plutarch* tels us that that King was ἀνύποδικος καὶ ἀνυπεύθυνος, that he was Self-power'd, and unaccountable. And that a King ſhould be unaccountable to his ſubjects is as reaſonable, as that he ſhould be accountable to God, becauſe he is his ſubject; but not to the People, becauſe they are ſubject unto him: And to this purpoſe *Antonius* ſpeaks in *Joſephus*, Lib. 15. ὁ γὰρ ἔφη καλῶς ἔχειν Ἀντώνιος βασιλέα περὶ τῶν κατὰ τὴν ἀρχὴν γεγενημένων ἀνυθύνως ἀπαιτεῖν, ὅτῳ γὲ ἀνυπεύθυνος εἴη, δοντας δὲ τὴν τιμὴν καὶ τὴν ἐξουσίαν ἀνεξετάστους ἐᾶν αὐτῷ χρῆσθαι, *Antony* (ſaith he) ſaid it was not fit that a King ſhould be queſtioned for what was done in his Government, for thereby they would make him

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to be no King, but they that gave him the honour, ſhould ſuffer him freely to uſe the power; it is evident then that if the King received the Kingdom from the people by their conſent, which they who will grant him no other well-grounded Title, muſt acknowledge to ſtand valid, the people when they by their Repreſentatives brought him back to his Kingdoms, did as much oblige themſelves to obedience towards him, as he is graciouſly pleaſed to eſteem himſelf obliged to love towards his people; for whereby that which was really his by a right of Succeſſion, is owned to be his by a cheerfull Election: Not that it is to be thought that hence alone his Title, or any part of it is to be fetcht, but yet this is added rather as an argument of the peoples Loyalty, then as the true and principal Foundation of his right to the Crown of *England*. Though this be indubitable, notwithſtanding we may indulge ſo much to judgements foreſtalled with prejudice, as to ſuppoſe Election to be his only juſt claim, this will be ſufficient to bind them to obedience, as hath been already proved; to which conſideration may be added that which will have the greateſt perſwaſive force to obedience towards the preſent Government freely to be rendred by a Commonwealths man, and that ſhall be the ſecond Principle.

2. *That the Government of* England *by a King, Houſe of Lords, and Houſe of Commons, is the beſt ſort of a Commonwealth.* It may perhaps ſeem an improper ſpeech in the judgement of ſome, to call a Society of men gathered into a Political compact, under the Supremacy of a ſingle Perſon, a Commonwealth, but more ſtrange that it ſhould deſerve the name of the beſt Commonwealth. Both theſe points will appear in proceſſe of this Diſcourſe to be no more ſtrange than true, if we will but yield any reſpect to reaſons and teſtimonies producible in its behalf. That a Kingly Government is a ſpecies of a Commonwealth, is plainly aſſerted by *Polybius* a good Hiſtorian, and no worſe Politician, in his 6 book of Hiſtory intituled περὶ τῶν τῶν πολιτευμάτων ἰδέων, *i. e.* concerning the ſeveral ſorts of Commonwealths; where he comes to enumerate how many different kindes of Commonwealths there be: He uſeth theſe words, τρία γένη λέγειν χρὴ πολιτειῶν, ὧν τὸ μὲν καλεῖν βασιλείαν, τὸ δὲ ἀριστοκρατίαν, τὸ δὲ τὸ τοῦ δημοκρατίαν, We muſt (ſaith he) affirm that there are three kindes of Com-

Commonwealths, of which one is called a Kingly Government, another the Government of the Nobility, and the third a Government by the People. In like manner *Plutarch* owns a Kingly Government to be comprehended within the denomination of Commonwealth in his Morals; where he doth on set purpose debate and determine this Controversie on the part of Monarchy, as shall in its due place be alleadged. In brief, that these words πολίτευμα and πολιτεία are fitly translated a Commonwealth, and that they are attributed frequently and properly to Kingly Dominion, may be further proved by the authority of *Hesychius*, *Phavorinus*, and *Suidas*, who did all of them full well understand the significative force of words and their manner of being used, though indeed the last of them informs us, that those words are sometimes employed by *Isocrates* and *Demosthenes* to denote Democracie, or a Popular State: Yet this is nothing prejudicial to our cause, or advantagious to our oppugners, as if thereby it were consequent that the other two commemorated species were either totally excluded from the nature of a Commonwealth, or else equivocally and abusively contained under it; whereas we should consider that the above-named Authors lived under a Popular Government, and used those words only with a reference to some antecedent part of a discourse, concerning the Commonwealth of *Athens*; so that in such a case the *genus* might be taken for its *species* Democracie, As it is usual among the *Venetians* when they mention their Polity, to call it simply and absolutely the Republique or Commonwealth of *Venice*, though it be most manifest that the Government thereof is perfectly Aristocratical, and managed by none excepting the Nobles, and of that ranck few or none excepted, as he that denies or doubts may understand from *Contarenus*, *Leander Albertus*, *Cotovicus*, *Philippus Honorius*, and others. In like manner an Honourable Knight of our Nation, in the happy reign of Queen *Elizabeth*, cals this Kingdom the Commonwealth of *England*, and that deservedly. So then the particular application of this acceptable word to this or that peculiar way of Government, cannot in reason be thought to debarre the other two kinds of lawfull administration of Supream Authority from being justly styled Commonwealths. But to omit arguments from words, if we do soberly and freely weigh what

what a Commonwealth is, and what notion or conception may be moſt genuinely explanative of its nature, we ſhall at the ſame time diſcover, how that a Kingly Government may be fitly comprehended under ſuch a notion to found out.

I ſhall therefore modeſtly ſubmit my private conceptions hereof, to more ſolid judgements, and ſhall define a Commonwealth to be *A Publique ſociety of men under Sovereign authority, adminiſtrable for the Common good.* It will not be requiſite that I ſhould bind my ſelf to ſuch a preciſe method, as to ſhew how Logical this definition is, though I had an eye to thoſe Rules in compoſing of it: Yet it may be obſerved that when I call it a *Society of men*, I diſtinguiſh it from that ſtate of Nature which was antecedent to the civil ſtate, which *Hobs* and others tell us of, by Publique it is differenced from an Oeconomical or houſhold-ſociety; and others more private. When this is ſaid to be under Sovereign Power, it is oppoſite to Anarchy, or perfect unſubjection of a Publique ſociety, one member thereof to another or others; as I ſuppoſe was when after the confuſion at the Tower of *Babell*, a numerous company agreed to travel towards the ſame quarters of the world to ſeek out new ſeats for Colonies: Their agreeing to the ſame deſign made them a Society; the nature of the deſign, and number of aſſenters, made it a publique one; yet nothing there was that made a Sovereign power amongſt them as yet. So that there was a perfect Anarchy in this Publique Society, therefore when I ſay a Commonwealth is a Publique Society under Sovereignty, I do oppoſe it to ſuch an Anarchy. By affirming it to be adminiſtrable for the Common good, it is made to be contrary to the συμφυῆ κακὰ, to the vices which are Coſin-Germans to Sovereignty, which are Tyranny acted by one, or Uſurpation obtained by a few, or elſe the brutiſh Impetuouſneſſe of a rude and giddy-headed Rout.

By this time I preſume the forementioned definition of a Commonwealth, will paſſe as allowable. My buſineſſe in the next place will be to try how this definition will quadrate with that Monarchy which we live under.

The only exception which can be made againſt a mixt Government, where a ſingle Perſon hath the præeminence above the Nobility and Commonalty, why that ſhould not be numbred

amongſt Commonwealths, according to this definition, is this, That where the Government and the Power annexed thereunto, doth lie in any one, it cannot be adminiſtrable for the common good, in that a ſingle Perſon looks after his own peculiar intereſt, not regarding at all, or elſe very little, the concerns of the Community; being ready to ſay with the Comedian, *Proximus ego-met mihi*, that he ſtands more indebted to do a courteſie to himſelf, than to the whole world beſide; and that ſelf-preſervation is the only principle upon which he can be in reaſon engaged to act: So that while a Monarch ſhall argue thus, he will conclude that the Power and Authority which he hath obtained over his Subjects, ſerves to no other purpoſe, but to afford him an opportunity to acquire unto himſelf whatſoever is moſt deſirable and congruous to the appetite of his will: and hereby it will come to paſs that the *common good* will be neglected, which is neceſſarily required to be attended to in all publique ſocieties of men under a Government which would purchaſe to it ſelf the ſplendid name of a *Commonweal*.

This will be the ſumme of the Objection which is repreſented to the beſt advantage poſſible, not without ſome ſpecious plauſibleneſſe, and likelihood of truth: Its main foundation is a groundleſs ſuppoſition of intereſts of the King and people ſo oppoſite, that thereby the King ſhould employ his Power to the advancement of his own intereſt, whereby that of the Peoples would be ruined and demoliſhed: Whereas it is moſt certainly true on the contrary, that in the Kingdom of *England* the Kings Royal Prerogative, and the Liberty of the Subject, like ſtones in an Arch, do mutually uphold one another; theſe two are interwoven within another by ſuch admirable contexture, that like the Image of *Minerva*, made by *Phydias*, wherein he did ſo cunningly carve his own name, that it could not be obliterated without defacing their Goddeſſe: There cannot injury be offered to one, but the other will withall ſuffer. So that there is no danger that a King who underſtands his own concernments, will invade the liberty of the Subject, no more then there was of the Workmans ſpoiling his own Maſter-piece, wherewith he had twiſted his name, if he could be thought to be carefull to preſerve his reputation for ſucceeding ages. I confeſs it is poſſible for a King not

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to underſtand his intereſt, and thereby he may entrench upon the Priviledges of the People, and ſo change his Government from the nature of a Commonweal into Tyranny; yet it is more poſſible that this ſhould befall the people, that they ſhould not underſtand their own intereſt, and how they ſhould act in order thereunto, if they retain the management thereof in their own hands. Which if it come to paſſe (as it is likelier to fall out) under Democracy than Monarchy, we ſhall ſee greater miſeries attending ſuch miſtakes than any that happen under the errours of Monarchy, as ſhall be hereafter ſhewed. A King that is ſoberly conſiderative will ſay with himſelf, that he is ordained for his people, and that he received the burden of Government from God that he ſhould bear it in ſtead of, and for the benefit of the people: that he is the Father of the people, and they his children; and though that his children have no rightfull power to queſtion him concerning his *non*-performance of duty towards them, yet nevertheleſſe he owes a duty to them of Protection, as much as they to him of obedience, and that both are ſubjects to the great King, who gives Laws to mankind, according to the different ranks of higher and lower, wherein they ſtand related one to another: And therefore he that commands obedience from Subjects to Princes, doth with the ſame ſtrictneſſe require that the Prince ſhould be diligent in providing for the univerſal good of thoſe who are ſubjected to him, rather as ſons then ſlaves. While a King doth thus think with himſelf (as every one ought) there is no more fear of his abuſing his unqueſtionable Power, then that a Father ſhould abuſe his child, over which he hath ſuch a dominion by nature, as the Monarch hath obtained Rule over his Subjects, either by a particular conceſſion of power to him, or elſe of their Anceſtours to his Predeceſſors to whom he is next in bloud. So that a King and his people being ſo nearly related, there is no cauſe why we ſhould dream of diverſity of intereſts amongſt them; but rather ſay with King *James* of bleſſed memory, *That the common intereſt is his chiefeſt particular*; and though peradventure ſome few caſes may be inſtances of an inconſiſtency betwixt a Regal and Popular intereſt; yet theſe are only in matters of leſs importance, and ſcarce worth conſideration, if compared with the grand concernments wherein both

The duty of King.

Prince and People are equally involved; for the wise constitution of legal Monarchies doth by a sweet necessity unite and firmly knit together the great designments of Prince and People, in that one needs the help and assistance of the other, and this is that *Gordian* knot which ties the Governour and the governed together; and this is the most general obligation to friendship and mutual compliance in the world; in that being I am defective of my self, in something which is either necessary or convenient to my comfortable subsistance in this life, I am to seek it from another, and so likewise it is this other mans condition in some other respects, and that we may obtain this from each other, our demeanour will be more Friendly; which though it may be begun upon a meer design, yet where the occasion of exercising such demonstrations of affection is perpetual, it may at last beget that really, which at first it did personate counterfeitly; and hence it comes to passe that there is bred a great measure of amity amongst some Nations more peculiarly, upon no other account, save only that they have a necessary dependance one upon another, for supplies of some sort of Merchandize, which do interchangeably pass to and from betwixt them. whereas if all places were so fruit full now a daies, as the Poet tels us of the Golden Age, *Omnis ferat omnia tellus*, that every Land brought forth every thing, the people of several Countries would be of a more rough and unsociable deportment then now they are: except we shall suppose the minds of men to share of the Golden Age in being as plentifully fraught with omilitick vertues, as the Land is with the fruits of the earth. The drift of this digression is to shew what is the greatest foundation whereupon a fair correspondence is most commonly built, *viz.* a mutual help which this man stands in need of from that, and so contrariwise. This reason of a fair correspondence to be observed betwixt several Persons or Societies, being so eminently manifest to stand good in the relation wherein our Prince and people are conjoyned, we may justly expect that those petty interests which any men may suppose to tend to disunited profits of them, must vail to the main concernments wherein they both are joynt partners. Seeing that the Royal Prerogative knows how useful the affections of the people are to him in freely contributing supplies

plies of money for his publick and private neceſſities, and the people are engaged to yield to the pleaſure of the Prince, that thereby he may be perſwaded to gratifie their requeſts and Petitions in granting them a redreſs of grievances, by ſigning any Bils humbly tendred by them in order to ſuch a purpoſe. Where all things ſtand in this poſture, there is ſcarce any reaſon to diſtruſt of a ſetled and advantageous peace; but upon good grounds may we hope for an uninterrupted tranquillity.

But beſides that tie of intereſts betwixt a King and his Subjects, which is made to be mutual neceſſity and uſefulneſſe of them to each other. That which is the chiefeſt intereſt to the people, is no leſſe to the Prince in the very ſame reſpect that it is profitable or convenient for them. Now that which ſubjects account their common good, is an undiſturbed ſecurity of their Lives, illicentious Liberties, and Eſtates: and this common good of the people doth likewiſe comprehend the particular eſtabliſhment of the Princely Prerogative: for the ſame means which do preſerve to the people their Propriety in whatſoever they may call their own, doth likewiſe guard his ſacred Perſon from the inſolency and violence of injuſtice, not bridled by the ſeverity of the Laws. So that if the Prince ſhould be negligent in appoin ing due penalties for thoſe who oppreſs, or in any ſort injure their fellow-ſubjects, it would come to paſs at laſt, that ſome deſperate varlet ſhall not fear to offer wrong to the Perſon, Name or Eſtate of the Sovereign himſelf. Whereas a prohibition of any unequitable dealings towards the reſt of people, doth put a bar to all unhandſom and diſloyal actions, of thoſe that are under Authority towards their Supream Magiſtrate: for they will conſider with themſelves, that if the Law determines ſo ſharply againſt injuries committed againſt one of their equals or inferiours, how much more againſt that grand *piaculum*, that heinous crime of an affront offered to Regal Dignity.

And as the intereſt of the Prince and people do fall into the ſame channel, as to the ſecurity of every particular perſon amongſt them, that by the injuſtice of others, they may not become loſers: So likewiſe another publique utility of all the people is that the King ſhould in ſuch a manner countenance their diligence and endeavours to encreaſe their wealth by juſt and lawfull means,

ſo that Laws ſhould be made to encourage and relieve all ſorts of Trades-men and Farmers, in oppoſition to ſlothfull Drone-bees, and ſlow-bellied Lurdanes. This as it is advantageous to the moſt conſiderable part of a Commonwealth; if you reſpect either their number or rank, ſo it is that which hath been chiefly regarded by all prudent and good Princes: and it is obſervable that our own Municipal Laws made by our Kings at the deſire of Parliaments, have made as carefull a proviſion in this caſe as any Commonwealth whatſoever. And indeed there is good reaſon why the Kings of *England* more particularly ſhould earneſtly attend to the enacting ſuch Laws and Statutes, ſeeing that their Treaſury is repleniſhed out of their Subjects private Purſes; as the Sea is inexhauſtible by the conſtant circulation of the leſſer Rivers, thereby paying their tribute to the Ocean. The only difference is, that the one paies its tribute by a neceſſary and natural, the other by an uncompelled and voluntary motion. Whence it comes to paſs that the Royal Majeſty is engaged upon a neceſſity of conveniency to gratifie the people in the foreſaid manner, not only that they may be able, but likewiſe willing to contribute Subſidies, and pecuniary helps for his ſervice, as conſidering that his Subjects are not to be ſqueezed like full ſpunges, nor like ſheep to have their Golden Fleeces flaied of; But their granting of ſomewhat to publick neceſſities, muſt be like the actions of the body in order to nouriſhment, where (as Phyſicians inform us) the Liver after that it hath turned the chyle into bloud, retains as much as is neceſſary for its own nutrition, and then doth of it ſelf ſend forth the reſidue of the bloud toward the heart, to be diſpenſed abroad for the publique uſe of the whole body. In like manner it is in our Commonwealth, that the people who acquire riches, that they ſhould reſerve to themſelves what is requiſite for their own particular occaſions, and that the remainder ſhould by their own conſent, given either in Perſon or by Procuration, be granted to the King, who is the heart and moſt principal part of a Commonwealth, to be employ'd by his diſcretion for the general profit of the whole.

It is certain then, as it is the peoples intereſt that a courſe ſhould be taken whereby they ſhould grow wealthy, ſo likewiſe it no leſſe advantageous to the Prince to look to their proſperi

of riches upon the forementioned accounts: To which may be added the observation of an English Monarch, *That the English if they were impoverished by any means were apt to become seditious and tumultuary.* That Prince therefore that is a friend to his Private Wealth and tranquillity, will be engaged to be a friend to the Commonwealth, and what is done in this behalf, is not to be esteemed as only tending to the good of a Republique, but also of its chief Magistrate, no more then the meat which goes into the stomack is for the stomack alone. Abstinence from diet will make us sensible of such a vellication, which by sympothie will affect the head; and Princes will easily finde how much they suffer, when their subjects purses are empty. But on the other side, as in our Commonwealth there is that which may render the King sollicitous concerning the welfare of his subjects, so is there that which strongly obliges the subject to obey the demands of the Prince, in those things wherein they may seem to have reserved to themselves an unsubjected liberty, which consists in their not being rightfully liable to be compelled to pay any Taxes, without their own prævious Vote. Which liberty either to give or deny, though it be not determinable to either part by any other man but themselves, yet is it no disparagement for their wils to follow the dictates of the intellect, and when they may do in that particular as they will, that they will do nothing but what is *decorous*: and hereupon they may justly apprehend themselves bound to yield a free-will-offering of tribute to the King, as he thinks it his Royal Office to provide for their abilities, that they may afford to make him such a present; and not only upon gratefulnesse, but also in that the Kings interest is as much theirs, as theirs hath been proved to be the Kings. For this money is to be expended for the paiment of Armies and Navies, Salaries for Ministers of State, and other publique good ends, wherein every Subject is a sharer as well as his King: So that every man may be secured from publique dangers of forreign enemies or homebread Traitors, by the vigilancy and Valour of those amongst whom the Prudence of our Monarch shall distribute the publique purse. Hereunto the saying of *Tacitus* may be fitly referred, *Neque quies gentium, sine armis, neque arma sine stipendiis, neque stipendia sine tributis haberi queunt*: *i.e.* The peace *Hist. Lib. 4.*

of

of Nations cannot be had without a Souldiery, nor a Souldiery without pay, nor pay without Tribute.

The Historians argument doth conclude, *That without tribute there can be no peace to a Nation*; for hence it must proceed, that the publique Authority shall have wherewithall he may defend the good, and restrain the evil ones amongst his subjects, and likewise guard them against the invasion of strangers. Hereupon *Cicero* perswades the *Asiatiques* to contribution: *Simul illud Asia cogitet nullam a se neque belli externi, neque discordiarum domesticarum calamitatem abfuturam fuisse, si hoc imperio non teneatur; id autem imperium quum retineri sine vectigalibus nullo modo possit: æquo animo parte aliquâ suorum fructuum pacem sibi sempiternam redimat atque otium*: *i. e.* But let *Asia* consider with it self, that if it do not maintain its Governour, it shall never want the calamity either of Forreign wars, or domestick broils: and seeing the Government can be maintained by no means without Tribute, they should be willing to purchase to themselves a perpetual peace and quietnesse with some part of their incomes and revenues.

Ad quint. frat. Epist. 1.

Mutato nomine de te —— Narratur. Our present state of affairs not being much different from them, the advice is as properly applicable to us. There is scarce any other weighty instance which can be made, where the interest of the King and his subjects can be thought to thwart one another, excepting that they will reckon some Honoraries, which are not at all prejudicial to the Liberty of the People, and are commonly granted to a single Person who is not above the people, as our Monarch is above his, by a successive Supremacy: For so the *Venetians* afford as high veneration to their Duke as to outward expressions of respect as any people in the world do shew to a perfect King, as *Cotevicus* affirms: And it is not only decent, but absolutely necessary that such a reverential awe should be upon a penalty enjoyned to be observed, either in our speeches or addresses to the King, as being the best and most innocent expedient to preserve Regal Majesty from contempt, the mother of Rebellion.

Synops. Reipub. Venet. c. 2.

Having now shewed that there is a perfect concurrence of concernments betwixt the Supream Magistrate and those under his Dominion, I have absolved the proof, *That the Kingdom of England is a Commonwealth*, which was intended as præliminary

to

to the main principle, *viz. That the Kingdom of England is the best sort of a Commonwealth.*

If any one shall say that what hath been hitherto discoursed concerning the unity of their interests, and the ligaments wherewith they are knit together, are not able so firmly to tie them up, but that they may be loosened; so that a Prince may endeavour to rush out into tyranny and self-interest, whereby his Government shall neither be agreeable to the written Laws, nor the Publique Utility. I shall freely grant the possibility of their supposition, but withall it will be required from them to suppose a Prince to be so far devoid of reason, as not to be sensible of his own honour, profit or contentment; and although this may happen to some, yet there is no danger of it amongst us under this Government, whilst it resides in the same sacred person, or others hereafter his Successors, if they be the heirs of his vertues, as well as of his Kingdoms. Notwithstanding this concession, they cannot be able to rend a Kingdom out of the Register of Commonwealths, except they will say that a natural body is not a body, because it is corruptible; or that a mixt body is improperly so called, because that the elements of which it is made up, do carry in their own bosoms the cause of its dissolution: But the occasion of this adverse reply of theirs is præoccupated in the definition of a Commonwealth formerly assigned, where the Government is said to be manageable or administrable for publique good. So then where the constitution of a publique society is but such, that there is greater likelihood that it should tend rather to common good then prejudice, there may it justly assume the name of a Commonwealth; for if their notion of the thing were admitted, there were no Commonwealth that did ever formerly, or that can hereafter exist, seeing that (as hath been already said) as well Aristocracy and Democracy, as Monarchy, have diseases whereunto they are by their temperament and constitution, sorely inclined. So that it is very true which *Grotius* saith, *Quamcunque Gubernationis formam animo finxeris nunquam incommodis aut periculis vacabis: i.e.* Whatsoever sort of Government you can think of, cannot exempt you from inconveniences and dangers.

So that he that would have a Commonwealth free from all

principles of corruption, must seek for it where *Utopia* was first discovered, and in the same place he may find golden Mountains, Hirco-cerves, and whatever is in its own nature impossible; these things do abound only in the fruitfull climate of the irrational phantasie and imagination. Seeing then that all sorts of good Governments are liable to be depraved, that is to be esteemed the best which is better secured from degeneracy then the rest, and which while it is continued in its integrity, doth answer the great ends for which it was erected equally or above any other: From a review taken of them under this consideration, an estimate may well be passed which of them deserves a præcedency in dignity before its corrivals; which shall by and by be determined.

The Principle which we have been making way for is, *That the Government of* England *by a King, House of Lords, and House of Commons, is the best sort of a Commonwealth.*

Lest any Anti-Monarchist should deny to give a fair hearing to the private reasons of an adversary, it will not be amiss to begin the proof of the Question with the Testimony of unprejudiced Writers of the greatest esteem, who bearing witness by their opinions plainly declared in favour of the Affirmative part, may prepare them with more unpassionate seriousness to weigh the other kind of Arguments which are to be artificial.

There is nothing more frequent amongst Political Authors, then to preferre such a sort of mixt Government far above any unmixt simple *species* thereof: By a mixt Government I mean such an one which is made up of a King, the Nobility, and the People, which three when they rule without either of the others, are called Monarchy, Aristocracy, Democracy; and this mixt compounded Government, *Polybius* doth highly approve of, many times taking occasion to commend it above any other, and withall to prefer those Commonwealths where it is practised, as the most excellent and durable: For after that he had told us in the forequoted book of the three sorts of a Commonwealth, he immediatly adds, δῆλον γὰρ ὡς ἀρίστην ἡγετέον τὴν ἐκ παντῶν τῶν προειρημένων ἐδιωμάτων συνεστῶσαν: It is manifest (saith he) that that which consists of all the forenamed sorts, is to be esteemed the best. To this assertion so fully coinciding with our second Principle, he subjoyns a reason, which may stand valid amongst us in *England*,

Polyb. *Histor. lib. 6.*

as

as well as the Polititian thought it might in all other Commonwealths of the same nature. His words are these, οὕτως δὲ πάντα ἴσως καὶ πρεπόντως συνέτοκτο κατὰ μέρος, ὥστε μηδένα πότ' ἂν εἰπεῖν δύνασθαι βεβαίως πότερ' ἀριστοκρατικὸν τὸ πολίτευμα σύμπαν, ἢ δημοκρατικὸν, ἢ μοναρχικόν, *i. e.* By this means all things were ordered equally and decently on every side, so that no one could scarce say whether it were wholly governed by the Nobility, or by the people, or by a King. When the Historian here saith that a man could scarce say what sort of Government it was, his meaning is only thus much, that a man could not say that it was any sort of the three Commonwealths which are uncompounded, but that there was such an exact juncture of every *species*, and their priviledges were so entirely preserved, that if you considered the Dignity of the Nobility, you might call it an Aristocracy; if you lookt upon the great Priviledges of all the People, you would be perswaded that it was a Democracy; but at last when you came to behold the Royal Prerogative of the King in consistence with the other two, you would then conclude it to be a Kingly Government. And in the very same manner he glosseth upon the Roman Empire, as it stood in his daies, about the time of *Scipio Affricanus*, where he doth at large lay down the power of the two Consuls, the Senate, and the People of *Rome*, and tels us that any of the three lookt upon a part, seemed to have the whole Government of that Empire.

Notwithstanding this mixture of Commonwealths be made so perfect, yet we cannot in reason suppose a co-ordination of all, and an absolute equality of Power and Authority amongst them; for as in mixt bodies made up of all the elements, each element doth retund and weaken the strength of the rest, yet one notwithstanding retains a super-eminent quality over the rest, from whence the body may be denominated hot or cold, moist or dry: So fares it likewise in the mixture of Political simple bodies, where every constituting part thereof gives bounds to the illimited power of the others, yet so that some one of them must so farre exceed the rest, that it shall be denominated from hence, either of this or that or the other *species*. And so was it in all mixt Governments which ever retained a face of a Commonwealth: Parity and equality amongst different Powers, as to num-

 ber,

ber, alwaies producing confusion and publique tumults.

To return then to the matter in hand; We may observe high encomium's bestowed upou such sort of Governments, by the wisest Masters of Political order that ever lived: And upon this account *Solon* is esteemed a prudent Law-giver in the judgement of *Aristotle*, σόλωνα δὲ ἔνεοι μὲν ὀιονται νομοθέτην γίνεσθαι σπουδαῖον μίξαντα καλῶς τὴν πολιτείαν, *Solon* (saith he) was accounted a diligent Law-giver, in that he did make a good mixture of a Commonwealth. Nay and furthermore we shall shew that those Commonwealths which are cried up by the favourers of Democracy, were approved of by judicious Writers upon this very reason, because that they bore a resemblance to such a proportionable contrivance, which is at present contended for, as the rule and measure of well-composed Republiques: though we shall acknowledge that they did in some points disagree from ours, whereupon their weaknesse and troubles (as shall be hereafter shewed) were founded. Those Commonwealths which in former times were esteemed generally most famous, were that of *Sparta* and *Rome*, both of which had an analogy to our perfectest sort of a Commonwealth, as it now stands Governed by a King as Supream, together with an House of Lords and House of Commons, in one whereof is contained the Nobility actually, and in the other all the People Potentially and by their Deputies. As for that of *Sparta*, *Polybius* affirms that *Lycurgus* conjoined all the three sorts into the Model of that one Country, Λυκοῦργος οὐκ ἀπλῆν οὐδὲ μονοειδῆ συνέστατο τὴν πολιτείαν, ἀλλὰ πάσας ὁμοῦ συνήθροιξε τὰς ἀρετὰς, καὶ τὰς ἰδιότητας τῶν ἀρίστων πολιτευμάτων, i. e. *Lycurgus* did not constitute his Commonwealth simple and of one sort, but he joyned together the vertues, and the peculiar advantages of the best sort of Administrations of Authority. Now what these best sorts were in the Authors sense is easily discoverable from former quotations out of him, concerning the three lawfull *species*'s thereof so often mentioned. The same Author gives us a very good reason of this constitution made by *Lycurgus*, νοήσας ἀναγκαίως καὶ φυσικῶς ἐπιτελούμενα, καὶ συλλογισάμενος ὅτι πᾶν εἶδος πολιτείας ἀπλοῦν καὶ κατὰ μίαν συνεστικῶς δύναμιν ἐπισφαλὲς διὰ τὸ ταχέως εἰς τὴν οἰκείαν καὶ φύσει προπομένην ἐκτρέπεσθαι κακίαν, *i. e.* Because he considered with himself what would necessarily and naturally come to pass, and computed how

De Repub. l. 3. cap. 12.

Lib. 6. Hist.

Ibid.

how every ſimple form of a Commonwealth, conſiſting only of one Power, was dangerous, in that it would quickly turn to that vice which was moſt familiar and neareſt allied to it. And that this Government ſo inſtituted and ſet up by *Lycurgus*, comprehended as partners, though unequal ones, the King, Nobility and Common People, may appear from all Hiſtories of good credit, and more particularly from *Plutarch* in his life of *Lycurgus* and *Thucidides*, whither I refer the Reader, as not being deſirous to ſpend my labour in quotations more then are abſolutely neceſſary. As concerning the manner of *Rome*'s publique Authority, there is no one that can deny but that after the people had procured to themſelves Tribunes to repreſent them, and had their Courts which we had occaſion to mention before, that they might be ſaid to bear a part in the Government of the City; and the Senate yet retained ſeveral priviledges not common to the people with them. So that it will eaſily be granted that there was a mixture of Ariſtocracy and Democracy; it remains only to ſhew that there was ſomething amongſt them anſwerable to Monarchy, and that we affirm was in the Conſuls: and in this point the ſame *Polybius* ſpeaks with us, τῶν ὑπάτων ἐξουσίαν μοναρχικὴν καὶ βασιλικὴν ἐφαίνετο εἶναι, *i.e.* The power of the Conſuls ſeemed to be Monarchical and Kingly. And *Grotius* findes in *Livie*, that the power of the Conſuls did differ only in this point, that it was but Annual. The Authority of all the three intereſts as diſtinguiſhed is largely laid down by the late-mentioned Author. *Ibid.* *Polybius.*

From theſe Authors lately quoted, it is evinced, that the Government of *Sparta* and *Rome*, ſo much approved of and applauded, as good Common-wealths, were in this point, like to ours in *England*, in that the Power lay amongſt the King, Nobility and Commonalty, and ſuch a Common-wealth was that of *Carthage*, about the time of *Hannibal* their victorious King and General, as it is related by *Polybius*, who was contemporary to *Scipio Affricanus*, in theſe words, τὸ δὲ καρχηδόνιον πολίτευμα τὸ μὲν ἀνεκάθεν μοὶ δοκεῖ καλῶς, καὶ γὰρ βασιλεῖς ἦσαν παρ' αὐτοῖς, καὶ τὸ γερόντων εἶχε τὴν ἀριστοκρατικὴν ἐξουσίαν, καὶ τὸ πλῆθος ἦν κύριον τῶν καθηκόντων αὐτῷ. The *Carthaginian* Commonwealth (ſaith he) doth ſeem to me to be very well contrived, for they had Kings amongſt them, and the Senate contained the power of the Nobility, and *Hiſtor. lib. 6.*

the Commonalty was master of those things that appertain to to them. This prudent composure of Interests is likewise commended by *Aristotle*, where after he had bestowed a whole Chapter in examining that Model, he at last passeth this judgment upon it, πολιτευεσθαι μεν δοκουσι καὶ Καρχηδονιοι καλως. *i. e.* The *Carthaginians* seem to govern very well. I am not ignorant what advantage an adversary may think I have granted him, in that I take pains to find out testimonies of several Authors, which commend mixt Commonwealths, which yet were much different from this of *England*, in that, in none of those forementioned the King was above the people, as our King is supream over all his Dominions; To whom it may be replied, that in several cases the power of their Kings was much lessened by the people in times of peace, but in times of war, they had a free and unlimited power; which *Aristotle* witnesseth in his Third Book concerning a Commonwealth, speaking concerning the manner of Government, amongst several Countries of *Greece*: and so amongst the *Romans*, a Consul when he led out an Army, was usually called *Imperator exercitus*, the supream Commander of the Army: For it is certain, that *Imperator* simply and absolutely taken, signifies one who is not subject to any one, but hath the Rule over all those that live within the same publick Society of what sort soever with himself: and that word is alwaies made to answer to αὐτοκρατωρ, which (as *Suidas* explains it) signifies ἀνυπεύθυνος ἄρχων, an unaccountable Magistrate: So then, the Title of a *Roman* General differs scarce at all from that compellation of Honour and Authority, which was usually bestowed upon the *Roman* Monarchs from the time of *Julius Cæsar*; but all the restriction which was laid upon them, was only this, that whereas these others were unaccountable and solely Supream Magistrates, in all cases referring to the Roman Empire, whether in war or peace, these last had the same sort of power as to its unaccountableness, for transactions in war, but not in peace. And this is confirmed by the words of *Cæsar*; *Alia sunt partes Legati, alia Imperatoris, alter agere ad præscriptum, alter libere ad summam rerum consulere debet*; there are two parts, one of a Legate to an Army, another of a General; the first must act according to his Instructions, the other may freely take his own counsel, as his business may require.

Aristotle l. 2. cap. 1.

Comment. l. 3.

Having

Having ſhewed that the overballancing power in time of war, lay in the Regal part of their Government, and not in the Senate, which comprehended the Nobility, nor in the People. That we may paſs a judicious cenſure at laſt upon the caſe, whether it had been more expedient for the Empire, that a Single Perſon ſhould have had the chief power in peace as well as war, and that the power of the Senate and people ſhould have been ſubjected to him.

That this controverſie may be reſolved, it will not be amiſs for us to conſider in the firſt place, whether when one obtained an uncontroulable power in wars, or when the Senate and people ſway all the Government out of war, the Empire was moſt happy? If we do but take a ſtrict review of the ſtate of affairs there amongſt them, it will appear, that by reaſon of the Generals abſolute power, in all things appertaining either to the management of his own Army, to maintain ſtrict Diſcipline amongſt them, that they ſhould readily obey any word of command; and withal, having it likewiſe in his particular pleaſure how to deal with his enemies as ſhould ſeem beſt to him, not depending either upon tedious or raſh determinations of the Senate or people, it came to paſs that they obtained great ſucceſs againſt their enemies chiefly by this means: Whereas look upon them in the time of peace, when the people or Senate ruled, and there you ſhall find nothing elſe but ſedition amongſt the common people, againſt the Senate, raiſed upon ſlight and trifling occaſions; witneſs, the third and fourth ſedition; or elſe factions ſidings of ſome of the Nobility with the Commonalty, againſt thoſe of their own order, as happened in the City, about the eſtabliſhing of the *Gracchan* Lawes, carried on by the Brethren *Gracchi*, *Apuleius Saturninus*, *Livius Druſus*, and other turbulent ſpirits: A larger relation hereof may be fetched from the unanimous agreement of moſt Hiſtorians in the truth hereof: From whence it appears, that that part in the management of affairs in war, being frequently committed to one or both Conſuls, who (as was ſaid) betwixt them, made up a ſort of Kingly power, was the reaſon why they had ſo good ſucceſs, but the power of many, or the greater part in time of peace with forreign States, was the cauſe of civil wars and ſeditions, far worſe than the Tyranny of a ſingle Perſon::

son: And hereupon it is that the *Roman* and *Lacedæmonian* Commonwealths are blamed, in that they did not so well provide for peace as for war. This censure is passed upon them by *Contarenus*, a *Venetian* Senatour, *Quocirca rempublicam Lacedæmoniorum laudant summopere, id tamen reprehendunt, quod duntaxat ad belli munera instituta fuerit, nulla interim habita ratione officiorum pacis atq; otii, indeq; effectum est ut quamprimum in otio esse cœperint, respublica illa insignis in deterius labi cœperit, quod etiam Romanis accidisse eâdem prope causâ compertum est*; *i.e.* Therefore (because of its mixt Government) the *Lacedæmonian* Commonwealth is much commended, but in this it is found faulty, in that it is only instituted for the advantages of war; whereas in the mean time there is no regard had to the duties of peace and quietness: whence it comes to pass that as soon as they began to be free from warre, that famous Commonwealth began to fall to decay; which in like manner befel the *Romans*, upon almost the like reason. The same Author in pursuit of the same discourse, saith, that upon this consideration it was, that *Scipio Nassica* advised them, not to pull down *Carthage*, lest that the youth of the City which was brought up to the exercise of Arms, for want of other warlike employment, and as wholsom severity in time of peace, as they had in war-time, should turn their weapons one upon another. And afterwards (saith the same Author) *continuo bella civilia exarsere*, they were annoyed with the flame of civil wars. To this, add the imprudent rashness of the people in this innovation, taking its rise only from a fault of the Kings Son; whereupon without any complaint made to his Father *Tarquinius*, they ransack his House and goods, consecrate his Fields to *Mars*, conspire against the Kingly Government for a less general injury, than what they often received afterwards from their Democratical Magistrates: So that as it was founded in a tumultuary confusion, so likewise was it continued by prejudice and irrational antipathy, propagated and traduced from one generation to another, till at last experience taught them, that after *Julius Cæsar* was established in Kingly Authority, derivable to his Successors, the bounds of their Empire did encrease abroad, and the peace and safety of the Citizens was better secured at home, till such time as the Prætorian Bands were debauched by the base suborning of ambition

De Venet. Republ. l. 1.

or envious Citizens to murther their lawful Emperors and to substitute in their seats some Military man amongst them, who either by bribery or flattery drew unto him the brutish rabble of the vulgar, or the covetous Factionists in their Army. As for the Commonwealth of *Lacedemon*, as it was modelled by *Lycurgus*, not altogether in favour of their Kings, but rather enclining towards the Government of more; whosoever pleaseth to reade the life of that Lawgiver, as it is written by *Plutarch*, will easily discern that he was forced to make a vertue of necessity, and when he could not do as he would, he did as he might; for the people conceiving themselves injured by their Kings, called upon *Lycurgus* to alter the frame of Government: so he was necessarily put upon gratifying the people in some measure, in granting them a large share of power. Yet his dislike of Popular Rule is often implyed by the same Author; and more remarkably in that Apothegmatical answer which he reports that *Lycurgus* returned to one requesting of him to set up Democracy in *Sparta*, he bids him go home and first set up Democracy, or the rule of the people under him, in his own family; implying that as he would quickly try how unsutable that would be for his family, and how prepostorously and untowardly all things would be therein managed, so likewise would the same, but a greater mischief spring from that Rule, if it were practised in a Commonwealth, which is but a greater family, as a family is a private Commonwealth. But as we produced the Authority of *Aristotle*, *Polybius* and others, in the behalf of a mixt Government, made up of a King, Nobility, and Commonalty, so likewise shall we bring the votes of the same Authors for the præeminence of the King above the other two; which ought to accompany the Royal Prerogative (as the Poet saith young *Ascanius* travelled with his father *Æneas*) *Ibant haud passibus æquis*, they went together without losing one another, yet so that *Ascanius* still came behind.

To begin with *Aristotle*, after that he had spoken concerning *Solon's* mixture of the Commonwealth of *Athens*, which was made up only of Aristocracy and Democracy (for so *Isocrates* affirms that) in the time of *Solon* there was in *Athens* δημοκρατίαν ἐπικεκραμένην μοναρχίᾳ, the power of the people mixt with that of the Nobles. So that the rule of a single Person was wholly excluded; the Philosopher gives us at last his own opinion, ἀλλ' ὅτι τὸν σπουδαῖον βέλτιον βασιλεύειν, *i.e.* but it is better that a single Person that is carefull should *Lib. 3. de Rep.* *Ibid.*

be above all. The same Author doth at large assert this Prerogative of a King in a set Discourse. To the same purpose *Polybius* having excellently shewed the causes of the change of Government, from Kingly to the other two successively; and then again to the Power of the King over the rest, he adds, ὅτως μὲν ἀναστρέφεται εἰς τὸ πρῶτον καὶ γεννικώτατον τῶν πολιτευμάτων, So (saith he) at last it will return unto the first and most natural sort of Government. It is already gradually proved from the best Writers of Politicks, first, that Government made up of a King, Nobility and Commonalty, is better then any other; and then in the next place from the same Authors it is made apparent that they esteemed it the best, that the King should be above the other two, which is exactly such a State as we are happily restored to here in *England*. Another excellency of our Government is, that our Kings do bind themselves as much to the good of the people, as it is possible for a Supream Magistrate to be bound and still retain his Supremacy, in that they solemnly swear to the maintenance of the Laws, and in them of the peoples Priviledges, and these Laws are not passed either by themselves alone, or at the sole suggestion of some of their creatures or dependants, but every Law is first debated and proposed by the Nobility and popular Convention, which if it be judged by them to be for the publique good, it is then tendred to the King, that it might receive the life and vigour of a Law from his Princely assent and approbation; so that we are judged by no other Laws then what we or our Fathers may be properly said to have concurred to when they were about to be Enacted. And hence it is that the great mischief of simple Monarchy, *viz.* an arbitrarious imposition of the Magistrates pleasure is well provided against, so that his will alone cannot become a Law; whereupon if he should at any time act, he could not justifie and acquit himself before his great and just Judge, who shall judge the world in uprightnesse. Neither is it to be thought any diminution of Regal Power, that he should be sworn to the Laws, nor no augmentation of the Peoples power, so as to make them above him, but only makes their Priviledges greater under him, as hath been declared in the former part of the Discourse. By this means it is effected that the greatest inconveniences in other sorts of Government, are redressed in Monarchy; and whatsoever is justly offensive in that, is amended by the Laws that are thereunto annexed. So that we may safely conclude with *Plato* in his *Politicus*, μοναρχία

Lib 3. de Republ cap. 10.

Histor. lib. 6.

τοίνυν

τῶν ζυγοῦσθαι ἐς χάλλιστον ἀγαθοῦ, ὃς νόμοις κέχρηται, ἄριστον πάντων, Therefore (saith he) Monarchy being joined to good written Laws, is the best of all Governments. If our Laws in *England* be not such as are here spoken of, the people themselves are chiefly faulty, in that their concurrence is necessarily required, either in abrogating the old, or making new ones: So that no Law can be made prejudicial to any of the three parts of the Commonwealth, except upon good considerations any of them be willing to recede from their own right. The contrary to which happens in other Countries, where the people's Representatives are totally excluded from their Parliaments, and likewise the Nobility, excepting such as be of the Princes Council; as it is the usual manner of holding Parliaments in *Russia*, which (as an *English* Embassidour thither writes) consists of not above 20 of the Nobility (all of them of the Emperours Council) 2 Secretaries, a Patriarch, and some of the Clergy. He afterwards tels us that the people have no Suffrage nor place in their *Zabore*, or high Court of Parliament, where their Laws and publick Orders are concluded upon, which commonly tend to the oppression of the Commons, thus far he; This is a very miserable tyranny for the People to live under, where those Laws which should sustain their Propriety, of what kind soever, are no more in reality then the unbridled self-will of their Emperour, being that they are deprived of that freedom of Parliaments granted in *England*, where any Member thereof may propound by a Bill, what he thinketh good for the publique benefit: But amongst them only the Emperours Diacks or Secretaries may propose, and no one dare adventure to gainsay, being tied both for fear of losing their preferments or lives, both which they hold from the Emperour, and therefore they have learned their lessons readily, how to say Yes without any controversie, as the same Author writes. So that they do only retain the outward form of a Parliament, without those Priviledges which we do here enjoy. And their condition cannot but be very deplorable where the Commonalty and greater part of the Nobility are so little employed in making Laws, which as they are made in a manner by one, so in like manner they extend scarce any further then to the profit of one serving only to gratifie the Monarchs pleasure, according to which they are calculated. How ill consequence this will infer, *Aristotle* doth well discover; ἀλλὰ κρεῖττον ὅλως γίνεσθαι ἄνδρωπον ἔχοντα τὰ συμβαίνοντα πᾶσι κατὰ τὴν ψυχήν, ἀλλὰ μὴ νόμον φαῦλον, Its very bad (saith he)

≈ Fletcher *Hist. of Russia* c. 8. Chap. 13. *De Repub.* l. 3. c. 9.

be) that a man that hath the same passions with others, which may befall his soul, (and yet hath no Law) should be wholly and solely Lord. The reason which the Philosopher gives for the necessity of a Law is very weighty, for since that a King is Superiour to his people in Dignity and Power over them, but yet is not of an higher nature and more invincible reason, it may come to pass that his nature and reason being but equal to that of his subjects, may render him liable to the conquest of any irascible or concupiscible passion, from whence he cannot be at all secured by the Dignity and Power which he attains over others; but though he may hold under his obedience the whole world, yet in his own little world he may not be able to oppresse the rebellion of servile passion against reason the Mistresse of the Soul. And therefore under such circumstances, sober Laws made by the assistance of Prudent and discreet persons, will be as usefull for his own direction, as they are requisite for the restraint of the subjects enormities. We may upon these considerations assert the necessity of written Laws, made by the King with the advice of his People. In the words of the same Philosopher, *πάντα ἂν πάντα βέλτιον γίνοιτο κατὰ νόμον, ἢ κατὰ ἀνθρώπων δόξαν, οὐδ' ἀσφαλὲς ἡ κρίσις*, It is better (saith he) that all things should be done according to a Law, rather then according to the will of men, for that is not a safe rule. This is our present happy condition in these his Majesties Kingdoms, that we are not drawn by force after one single, or two Interests, but as many divisions or subdivisions as you can make of the whole body of the Nation into its constituting parts there are all conjoyned in the making of Laws, and other great and difficult affairs of the Kingdoms, which as they consist of a King as Supream, the Nobility and People; and as the people are subdivisible into Farmers and Tradesmen, the Houses of Parliament contain all these, either in Person or by Procuration; the first ranck of the people chusing in their distinct Counties, such who they think fit to represent their body; and the second having liberty of Election in their Burroughs, of such Burgesses as will be most studious to procure their trades to be promoted. So that there is nothing wanting to make a Parliament, whose Office and Trust is so great and Honourable, a compendious Epitome of all the considerable parts of the Nation, except some one may think that the Clergy ought to be there present by their own proper Representatives.

De Republ. l. 3. cap. 10.

I have

I have (except I be too favourable a judge of my own cause) clearly proved out of Historians and Polititians, with some of mine own Argumentations interspers'd, *That our Government of England is the best sort of a Commonwealth*; and in the Quotations I have been the more copious and tedious, in that there are some speculative Adversaries to the Restauration of a single Person, over the Nobility and Popular Assembly, who used to boast in their publique Discourses, that all Authors of any value did patrocinate their monstrous Commonwealth, which wanted its head. It is now seasonable for some while to reflect upon Democracy and Popular Government, either alone without any other, or else paramount to its associates; which when I treat about, I would not so far over-shoot, as with some to call it a meer Anarchy, a confusion, a tumult, or a Government absolutely and without any restriction to be deemed unlawfull, which terms may be esteemed the fiery sparks of Loyal zeal towards a King: Yet I dare adventure to say with *Plato*, that which is as easily proved as said, τὸ δὲ αὐτοῦ πλήθους γίγονε πασῶν μὲν νομίμων πολιτειῶν οὔσων χειρίστη, *i. e.* The Government of the people themselves is of all lawfull sorts of Commonwealths the worst. That we may more orderly proceed in the proof of *Plato* his opinion, we must premise thus much, That as amongst Sciences, the dignity of one above another is to be computed from the dignity of their objects compared together; so likewise all *medium's* or means which tend towards the effecting of the same end, are to be denominated better or worser as they contribute lesse or more hereunto. Now all sorts of Government are means ordained for the bringing about some great ends of high and universal concernment to the publique Society subjected thereunto: The readiest course then is to find out the ends of Governments, and then try what Governments come the nighest hereunto, and thereby we may passe an estimate upon them which excels the rest.

Politic.

The chiefest ends, for the attaining of which mankind was either immediatly by God himself, or their own consents subjected to Government, are preservation of justice, and mutual concord amongst themselves, and also protection from their enemies. As for justice, when the chief distribution thereof lies in the hands of a King or his deputed Judges, as the King is above either the fear

or favour of any others; so that if he please in Person to use his Prerogative, all things are likely to be well administred, or if he chuse Judges himself, he is likelier to chuse judiciously & carefully, and to countenance them & defend in performing their Office, and to punish them for the contrary. Whereas on the other side, the people are led more by affection and passion, then by judgement and prudence; so that in their Governments, as at *Athens* and *Rome*, it was usual that there should be Ostracismes, Banishments for life, and other great mulcts inflicted upon their best deserving Citizens: and moreover honours bestowed upon the worst and most undeserving Citizens, if they had but plausible smooth tongues, and popular Rhetorick. Neither is this any wrongfull slander laid upon them to bring their Democracy or Aristocracy into contempt; For *Thucydides* an impartial Historian charges the *Athenians* with this crime, speaking concerning the factions amongst the people, τὰ δὲ μέσα τῶν πολιτῶν ὑπ' ἀμφοτέρων διεφθείροντο, ὥστε εὐσηβείᾳ μὲν οὐδέτεροι ἐνόμιζον, εὐπρεπείᾳ δὲ λόγου, *i. e.* But the Citizens that stood Neuters were spoiled by both sides, for neither of them did judge according to the justice of the cause, but according to the eloquence of the speech. Herein our Author doth well shew how much the People when they have the Government in their own hands, are courted out of justice and integrity by fair deluding words, which work upon the inferiour passions and affections, whereas those who would rule well should retain as far as is possible *mens sine appetitu*, a pure understanding, without any sensitive or brutish appetite. The same Historian doth further accuse their injustice in not duly proportioning punishments to offences, τὰς τιμωρίας ἐπὶ μείζους οὐ μέχρι τοῦ δικαίου καὶ τῇ πόλει συμφόρου προτιθέντες, *i. e.* They propose punishments that are too great, not according to what is just and profitable for the City.

Histor. lib. 3.

Ibid.

Another great end whereunto all Governments should have a tendency, is tranquility and mutual concord; which by reason of the depravation of mens minds, is not to be expected in civil Societies to proceed from the ingenuous free principles of benignity and gentlenesse, but is to be established by the Authority and awe annexed to Magistracy, which Authority when it resides in the people, an offender will be the more emboldned in his wickednesse, because he knows he can obtain the patronage of some

some leading man amongst the people, who must gratifie this delinquent that he may oblige him and his party to his side, so that he may employ their Votes upon occasion. And withall that reverence and awe which is due to Supream Magistracy will be much diminished, when divided amongst so many; amongst whom there will infallibly spring up emulation and ambition, which if but back't with fair pretences for the good of the Commonwealth, with hypocritical protestations, that they are of a self-denying and publique spirit, how will they draw the unstable multitude after them! and so cause seditions by provoking the people against some of the chiefest Citizens, and these practising the like against them, so that the popular State is in great danger to be ruined. These mischiefs as in reason they may be expected, so by experience they have been found to come to pass, as the Historian doth fully relate: παντὶ δὲ τρόπῳ μετὶ ὀνόματος εὐπρεποῦς ἀγωνιζόμενοι ἀλλήλων παραγίνεσθαι, ἐτόλμησαν τὰ δεινότατα, *i.e.* By all manner of waies contending under a handsome name to be above one another, they durst do most wicked things. And he at last concludes the relation of all the evils that attend the peoples Government, οὕτω πᾶσα ἰδέα κατέστη τῆς κακοτροπείας διὰ τὰς στάσεις τῷ ἑλληνικῷ, and (so saith he) every sort of bad manners befell *Greece* by reason of these seditions. *Thucid. ibid.*

And as they cannot preserve concord amongst themselves, so neither can they preserve their Commonwealth against their enemies, so well and as long as Monarchy may, for their Counsels being of necessity made publique to the people, they will easily be discovered to their enemies by any of the Citizens corrupted with their Gold; and this *Demosthenes* complains of in the Democracy of *Athens*, by some of the people who betraied all their Counsels to *Philip* of *Macedon*. Whereas under Monarchy a Prince doth chuse such a Council, to whose fidelity he may safely communicate his resolutions, and who are able to give the best counsel; which cannot be said of the greater part of the people, unto whom Rule belongeth under Democracy.

Upon the forementioned Reasons, that Government is condemned by *Cleon* in *Thucydides*, πολλάκις μὲν ἤδη ἔγωγε καὶ ἄλλοτε ἔγνων δημοκρατίαν ὅτι ἀδυνατὸς ἐστιν ἑτέρων ἄρχειν, I have (saith *Cleon*) *Lib. 3.*

Clow) many times both now & formerly known that Democra
unable to obtain rule over others, as for some particular Insta
of Popular Commonwealths, that have long continued
tollerable good condition, they are far fewer than Kingd
and do owe it either to the protection of Kings upho
them against their enemies, or else to some other acci
tal cause, rather than to the Form of their Government,
might be shewed at leasure.

There are some who peradventure though they grant all
hath been hitherto said in defence of our Government, yet
find fault with the Kingship in *England*, that it is successive,
not rather Elective, I shall only adde these general Heads of
guments in the behalf of a Successive Kingdom.

Hereby the King is more obliged to look to the welfare the
because he leaves it to his Heirs. Hereby there will be no
regnum, no competition, no occasion of war. Hereby there
neerer relation of love betwixt King and People, and a more r
obedience will be yielded. As for Election, though some
think, that thereby the best may come to rule; yet
reason and experience shew, that in such Elections, men
indulged their private affections, more than they have resp
the publick good, and their Suffrages will be drawn rather b
bribes, than the deserts of the Competitors. And those th
rejected by the greater part of their Countrey, are likely t
come dangerous enemies to the Government, which was de
to their ambition. Add hereunto, that those who
only a Lease for life of the Government, will impoverish
Scare to provide for their children, and alienate all they can f
the Kingdom: Examples hereof may be fetcht from *Ger*
Poland, &c. All which considered, we may well prefer a
Hist. lib. 2. cessive Kingdom before an Elective one; concluding with T
tus, Minori discrimine sumi Principem, quam queri.

FINIS.